

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPENTV, INC., a Delaware corporation,
Plaintiff and Counterdefendant,
v.
LIBERATE TECHNOLOGIES, a Delaware
corporation,
Defendant and Counterclaimant.

LIBERATE TECHNOLOGIES, a Delaware
corporation,
Counterclaimant,
v.
OPENTV, INC., a Delaware corporation,
Counterdefendant.

No. C-02-00655 JSW (MEJ)

CONSENT JUDGMENT

1 The Parties request that the Court enter this Consent Judgment and waive their respective
2 rights to a hearing or trial on the allegations of the Complaint and Counterclaims:

3 1. On February 7, 2002, OpenTV filed suit in the United States District Court for the
4 Northern District of California, Case No. 02-0655 ("Complaint"), alleging that Liberate infringed
5 U.S. Patent Nos. 5,563,648 and 5,819,034 ("OpenTV Patents").

6 2. Liberate filed various counterclaims ("Counterclaims") asserting non-infringement
7 and invalidity of the OpenTV Patents as well as infringement by OpenTV of U.S. Patent Nos.
8 5,014,125, 5,191,410, 5,195,092, and 5,991,799. Only U.S. Patent No. 5,991,799 remains in suit.

9 3. This Court has jurisdiction over the allegations in the Complaint and Counterclaims
10 and personal jurisdiction over the Parties. This Court has jurisdiction to enter this Consent Judgment.

11 4. Liberate acknowledges that the OpenTV Patents are valid and enforceable, and further
12 concedes that certain of its activities infringed the OpenTV Patents. Judgment on OpenTV's claim
13 for infringement of the OpenTV patents is entered in favor of OpenTV. Such acknowledgements
14 shall not prejudice any third party, including but not limited to TVWorks and its members, it and its
15 members' parents, subsidiaries, and respective affiliated entities (collectively, "TVWorks"), from
16 challenging infringement (as to any product or activity) or validity of the OpenTV Patents.

17 5. The (1) Joint Statement, (2) Consent Judgment, and (3) any admissions,
18 acknowledgements, agreements or other statements contained in the Joint Statement or Consent
19 Judgment and made by Liberate regarding any fact, issue, claim or defense, are not binding (1)
20 against TV Works in any legal proceeding or (2) against any accused infringer in any legal
21 proceeding where (i) all or part of the accused infringing device includes all or part of any TVWorks
22 set top box middleware; or (ii) all or part of the accused infringing method is performed using all or
23 part of any TVWorks set top box middleware.

24 6. The Court hereby permanently RESTRAINS AND ENJOINS Liberate from infringing
25 the OpenTV Patents. Such injunction shall not bind any third party as to any product or activity,
26 including but not limited to TVWorks. OpenTV further releases any claim for liability against
27 Liberate for any damages arising from the Complaint.

7. Liberate concedes that OpenTV does not infringe U.S. Patent No. 5,991,799.

8. The Court hereby dismisses the Counterclaims WITHOUT PREJUDICE. Liberate further releases any claim for liability against OpenTV for any damages arising from the Counterclaims.

9. Each party shall bear its own attorneys' fees and costs of the action and waives any claims to attorneys' fees under any theory.

IT IS SO ORDERED.

Dated: November 7, 2007

Jeffrey S. White
HONORABLE JEFFREY S. WHITE
United States District Court Judge